

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 2. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 103-5 as follows:

6 (725 ILCS 5/103-5) (from Ch. 38, par. 103-5)
7 Sec. 103-5. Speedy trial.)

8 (a) Every person in custody in this State for an alleged
9 offense shall be tried by the court having jurisdiction within
10 120 days from the date he was taken into custody unless delay
11 is occasioned by the defendant, by an examination for fitness
12 ordered pursuant to Section 104-13 of this Act, by a fitness
13 hearing, by an adjudication of unfitness to stand trial, by a
14 continuance allowed pursuant to Section 114-4 of this Act after
15 a court's determination of the defendant's physical incapacity
16 for trial, or by an interlocutory appeal. Delay shall be
17 considered to be agreed to by the defendant unless he or she
18 objects to the delay by making a written demand for trial or an
19 oral demand for trial on the record.

20 The 120-day term must be one continuous period of
21 incarceration. In computing the 120-day term, separate periods
22 of incarceration may not be combined. If a defendant is taken
23 into custody a second (or subsequent) time for the same
24 offense, the term will begin again at day zero.

25 (b) Every person on bail or recognizance shall be tried by
26 the court having jurisdiction within 160 days from the date
27 defendant demands trial unless delay is occasioned by the
28 defendant, by an examination for fitness ordered pursuant to
29 Section 104-13 of this Act, by a fitness hearing, by an
30 adjudication of unfitness to stand trial, by a continuance
31 allowed pursuant to Section 114-4 of this Act after a court's
32 determination of the defendant's physical incapacity for

1 trial, or by an interlocutory appeal. The defendant's failure
2 to appear for any court date set by the court operates to waive
3 the defendant's demand for trial made under this subsection.
4 The provisions of this subsection (b) do not apply to a person
5 on bail or recognizance for an offense but who is in custody
6 for a violation of his or her parole or mandatory supervised
7 release for another offense.

8 For purposes of computing the 160 day period under this
9 subsection (b), every person who was in custody for an alleged
10 offense and demanded trial and is subsequently released on bail
11 or recognizance and demands trial, shall be given credit for
12 time spent in custody following the making of the demand while
13 in custody. Any demand for trial made under this subsection (b)
14 shall be in writing; and in the case of a defendant not in
15 custody, the demand for trial shall include the date of any
16 prior demand made under this provision while the defendant was
17 in custody.

18 (c) If the court determines that the State has exercised
19 without success due diligence to obtain evidence material to
20 the case and that there are reasonable grounds to believe that
21 such evidence may be obtained at a later day the court may
22 continue the cause on application of the State for not more
23 than an additional 60 days. If the court determines that the
24 State has exercised without success due diligence to obtain
25 results of DNA testing that is material to the case and that
26 there are reasonable grounds to believe that such results may
27 be obtained at a later day, the court may continue the cause on
28 application of the State for not more than an additional 120
29 days.

30 (d) Every person not tried in accordance with subsections
31 (a), (b) and (c) of this Section shall be discharged from
32 custody or released from the obligations of his bail or
33 recognizance.

34 (e) If a person is simultaneously in custody upon more than
35 one charge pending against him in the same county, or
36 simultaneously demands trial upon more than one charge pending

1 against him in the same county, he shall be tried, or adjudged
2 guilty after waiver of trial, upon at least one such charge
3 before expiration relative to any of such pending charges of
4 the period prescribed by subsections (a) and (b) of this
5 Section. Such person shall be tried upon all of the remaining
6 charges thus pending within 160 days from the date on which
7 judgment relative to the first charge thus prosecuted is
8 rendered pursuant to the Unified Code of Corrections or, if
9 such trial upon such first charge is terminated without
10 judgment and there is no subsequent trial of, or adjudication
11 of guilt after waiver of trial of, such first charge within a
12 reasonable time, the person shall be tried upon all of the
13 remaining charges thus pending within 160 days from the date on
14 which such trial is terminated; if either such period of 160
15 days expires without the commencement of trial of, or
16 adjudication of guilt after waiver of trial of, any of such
17 remaining charges thus pending, such charge or charges shall be
18 dismissed and barred for want of prosecution unless delay is
19 occasioned by the defendant, by an examination for fitness
20 ordered pursuant to Section 104-13 of this Act, by a fitness
21 hearing, by an adjudication of unfitness for trial, by a
22 continuance allowed pursuant to Section 114-4 of this Act after
23 a court's determination of the defendant's physical incapacity
24 for trial, or by an interlocutory appeal; provided, however,
25 that if the court determines that the State has exercised
26 without success due diligence to obtain evidence material to
27 the case and that there are reasonable grounds to believe that
28 such evidence may be obtained at a later day the court may
29 continue the cause on application of the State for not more
30 than an additional 60 days.

31 (f) Delay occasioned by the defendant shall temporarily
32 suspend for the time of the delay the period within which a
33 person shall be tried as prescribed by subsections (a), (b), or
34 (e) of this Section and on the day of expiration of the delay
35 the said period shall continue at the point at which it was
36 suspended. Where such delay occurs within 21 days of the end of

1 the period within which a person shall be tried as prescribed
2 by subsections (a), (b), or (e) of this Section, the court may
3 continue the cause on application of the State for not more
4 than an additional 21 days beyond the period prescribed by
5 subsections (a), (b), or (e). This subsection (f) shall become
6 effective on, and apply to persons charged with alleged
7 offenses committed on or after, March 1, 1977.

8 (Source: P.A. 90-705, eff. 1-1-99; 91-123, eff. 1-1-00.)

9 Section 5. The County Jail Act is amended by changing
10 Section 5 as follows:

11 (730 ILCS 125/5) (from Ch. 75, par. 105)

12 Sec. 5. Costs of maintaining prisoners.

13 (a) Except as provided in subsections (b) and (c)
14 ~~subsection (b)~~, all costs of maintaining persons committed for
15 violations of Illinois law, shall be the responsibility of the
16 county. Except as provided in subsection (b), all costs of
17 maintaining persons committed under any ordinance or
18 resolution of a unit of local government, including medical
19 costs, is the responsibility of the unit of local government
20 enacting the ordinance or resolution, and arresting the person.

21 (b) If a person who is serving a term of mandatory
22 supervised release for ~~has been convicted of a felony and has~~
23 ~~violated mandatory supervised release for that felony~~ is
24 incarcerated in a county jail ~~pending the resolution of the~~
25 ~~violation of mandatory supervised release~~, the Illinois
26 Department of Corrections shall pay the county in which that
27 jail is located one-half of the cost of incarceration, as
28 calculated by the Governor's Office of Management and Budget
29 and the county's chief financial officer, for each day that the
30 person remains in the county jail after notice of the
31 incarceration is given to the Illinois Department of
32 Corrections by the county, provided that (i) the Illinois
33 Department of Corrections has issued a warrant for an alleged
34 violation of mandatory supervised release by the person; (ii)

1 if the person is incarcerated on a new charge, unrelated to the
2 offense for which he or she is on mandatory supervised release,
3 there has been a court hearing at which bail has been set on
4 the new charge; (iii) the county has notified the Illinois
5 Department of Corrections that the person is incarcerated in
6 the county jail, which notice shall not be given until the bail
7 hearing has concluded, if the person is incarcerated on a new
8 charge; and (iv) the person remains incarcerated in the county
9 jail for more than 48 hours after the notice has been given to
10 the Department of Corrections by the county. Calculation of the
11 per diem cost shall be agreed upon prior to the passage of the
12 annual State budget.

13 (c) If a person who is serving a term of mandatory
14 supervised release is incarcerated in a county jail, following
15 an arrest on a warrant issued by the Illinois Department of
16 Corrections, solely for violation of a condition of mandatory
17 supervised release and not on any new charges for a new
18 offense, then the Illinois Department of Corrections shall pay
19 the medical costs incurred by the county in securing treatment
20 for that person, for any injury or condition other than one
21 arising out of or in conjunction with the arrest of the person
22 or resulting from the conduct of county personnel, while he or
23 she remains in the county jail on the warrant issued by the
24 Illinois Department of Corrections.

25 (Source: P.A. 94-678, eff. 1-1-06.)

26 Section 99. Effective date. This Act takes effect upon
27 becoming law.